

CHP's Eligibility in State Portfolio Standards

Table 1 below provides a summary of CHP eligibility in state portfolio standards. For each state the table indicates if there is an RPS, EERS, or APS in place, and the type of CHP eligible under the standard(s). As there is no consistent terminology in place to refer to each type of portfolio standards, the table refers to each of the standards by the name assigned by the State. In some states, fossil-fueled topping-cycle CHP (e.g., combustion turbine, steam turbine, and reciprocating engine-based systems) and bottoming-cycle (i.e., waste heat to power systems) are explicitly called out as eligible resources under the portfolio standard(s). Some states, however, include only waste heat to power systems as eligible. Other states do not explicitly identify CHP as an eligible resource but CHP systems can qualify as long as they are powered with a qualifying renewable fuel/technology.

Note: Typical CHP in this table is defined as fossil-fueled topping-cycle CHP. Under this form of CHP, fuel is combusted in a prime mover such as a gas turbine or reciprocating engine to generate electricity. Energy normally lost in the prime mover's hot exhaust and cooling systems is instead recovered to provide useful thermal energy.

Table 1: Summary of CHP Eligibility						
Key: X – Mandatory Standard ▲ – Voluntary Standard or Goal						
State	Portfolio Standard			CHP Eligibility		
	RPS	EERS	APS	Typical CHP	Renewably-Fueled	Waste Heat to Power
Alaska	▲			RPS: <ul style="list-style-type: none"> Not eligible. 	RPS: <ul style="list-style-type: none"> Eligible with qualifying fuel/technology. 	RPS: <ul style="list-style-type: none"> Not eligible.
Arizona	X	X		RPS: <ul style="list-style-type: none"> Not eligible. EERS: <ul style="list-style-type: none"> May qualify as custom/other technology, subject to approval. 	RPS: <ul style="list-style-type: none"> Renewably-fueled CHP specifically called out as an eligible resource. CHP system must have an operation date on or after January 1, 1997 to qualify for credit under the portfolio standard. EERS: <ul style="list-style-type: none"> Energy savings from CHP installations that do not 	RPS: <ul style="list-style-type: none"> Not eligible. EERS: <ul style="list-style-type: none"> May qualify as custom/other technology, subject to approval.

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					qualify under the RPS may count toward the EERS.	
Arkansas		X		EERS: <ul style="list-style-type: none"> May qualify as custom/other technology, subject to approval. 	EERS: <ul style="list-style-type: none"> May qualify as custom/other technology, subject to approval. 	EERS: <ul style="list-style-type: none"> May qualify as custom/other technology, subject to approval.
California	X	X		RPS: <ul style="list-style-type: none"> Not eligible. EERS: <ul style="list-style-type: none"> May qualify as custom/other technology, subject to approval. 	RPS: <ul style="list-style-type: none"> Eligible with qualifying fuel/technology. EERS: <ul style="list-style-type: none"> May qualify as custom/other technology, subject to approval. 	RPS: <ul style="list-style-type: none"> Not eligible. EERS: <ul style="list-style-type: none"> May qualify as custom/other technology, subject to approval.
Colorado	X	X		RPS: <ul style="list-style-type: none"> Not eligible. EERS: <ul style="list-style-type: none"> May qualify as custom/other technology, subject to approval. 	RPS: <ul style="list-style-type: none"> Eligible with qualifying fuel/technology.. EERS: <ul style="list-style-type: none"> May qualify as custom/other technology, subject to approval. 	RPS: <ul style="list-style-type: none"> Eligible (defined as “recycled energy”). Systems must have a nameplate capacity of 15 MW or less and convert the otherwise lost energy from the heat from exhaust stacks or pipes to electricity and not combust additional fossil fuel. EERS: <ul style="list-style-type: none"> May qualify as custom/other technology, subject to approval.

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Connecticut	X	X		RPS/EERS (combined standard): <ul style="list-style-type: none"> Eligible under separate tier as a Class III Resource Must be installed on or after January 1, 2006, and have a minimum operating efficiency of 50 percent. 	RPS/EERS (combined standard): <ul style="list-style-type: none"> Eligible with qualifying fuel/technology, and eligible under separate tier as a Class III Resource Must be installed on or after January 1, 2006. 	RPS/EERS (combined standard): <ul style="list-style-type: none"> Eligible under separate tier as a Class III Resource Must recover waste heat or pressure from commercial and industrial processes, and be installed on or after April 1, 2007.
Delaware	X	X		RPS: <ul style="list-style-type: none"> Not eligible. EERS: <ul style="list-style-type: none"> Eligible. 	RPS: <ul style="list-style-type: none"> Eligible with qualifying fuel/technology. EERS: <ul style="list-style-type: none"> Eligible. 	RPS: <ul style="list-style-type: none"> Not eligible. EERS: <ul style="list-style-type: none"> Eligible (defined as “recycled energy”). Recycled energy must be from a modification of an industrial or commercial system that commenced operation before July 29, 2009.
District of Columbia	X			RPS: <ul style="list-style-type: none"> Not eligible. 	RPS: <ul style="list-style-type: none"> Eligible with qualifying fuel/technology. 	RPS: <ul style="list-style-type: none"> Not eligible.
Florida		▲		EERS: <ul style="list-style-type: none"> May be eligible with approval. 	EERS: <ul style="list-style-type: none"> May be eligible with approval. 	EERS: <ul style="list-style-type: none"> May be eligible with approval.
Hawaii	X	X		RPS: <ul style="list-style-type: none"> May be eligible; Renewable Electrical Energy defined as “electric energy savings brought about by the use of 	RPS: <ul style="list-style-type: none"> Eligible. EERS:	RPS: <ul style="list-style-type: none"> May be eligible if waste heat is from CHP; Renewable Electrical Energy defined as

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				<p>rejected heat from co-generation and combined heat and power systems.”</p> <ul style="list-style-type: none"> Excludes fossil- fueled qualifying facilities that sell electricity to electric utility companies and central station power projects.” Will fall under EERS on January 1, 2015. <p>EERS:</p> <ul style="list-style-type: none"> May be eligible under the EERS starting in 2015. Implementing rules are under development. 	<ul style="list-style-type: none"> May be eligible under the EERS starting in 2015. 	<p>“electric energy savings brought about by the use of rejected heat from co-generation and combined heat and power systems.”</p> <ul style="list-style-type: none"> Excludes fossil-fueled qualifying facilities that sell electricity to electric utility companies and central station power projects.” <p>EERS:</p> <ul style="list-style-type: none"> May be eligible under the EERS starting in 2015.
Illinois	X	X		<p>RPS:</p> <ul style="list-style-type: none"> Not eligible. <p>EERS:</p> <ul style="list-style-type: none"> May qualify as custom/other technology, subject to approval. 	<p>RPS:</p> <ul style="list-style-type: none"> Eligible with qualifying fuel/technology. <p>EERS:</p> <ul style="list-style-type: none"> May qualify as custom/other technology, subject to approval. 	<p>RPS:</p> <ul style="list-style-type: none"> Not eligible. <p>EERS:</p> <ul style="list-style-type: none"> May qualify as custom/other technology, subject to approval.
Indiana	▲	X		<p>RPS:</p> <ul style="list-style-type: none"> Eligible. <p>EERS:</p> <ul style="list-style-type: none"> May qualify as custom/other technology, subject to approval. 	<p>RPS:</p> <ul style="list-style-type: none"> Eligible with qualifying fuel/technology. <p>EERS:</p> <ul style="list-style-type: none"> May qualify as custom/other technology, subject to approval. 	<p>RPS:</p> <ul style="list-style-type: none"> Eligible (defined as “waste heat recovery from capturing and reusing the waste heat in industrial processes for heating or for generating mechanical or electrical work”).

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						EERS: <ul style="list-style-type: none"> • May qualify as custom/other technology, subject to approval.
Iowa	X	X		RPS: <ul style="list-style-type: none"> • Not eligible. EERS: <ul style="list-style-type: none"> • May qualify as custom/other technology, subject to approval. 	RPS: <ul style="list-style-type: none"> • Eligible with qualifying fuel/technology. EERS: <ul style="list-style-type: none"> • May qualify as custom/other technology, subject to approval. 	RPS: <ul style="list-style-type: none"> • Not eligible. EERS: <ul style="list-style-type: none"> • May qualify as custom/other technology, subject to approval.
Kansas	X			RPS: <ul style="list-style-type: none"> • Not eligible. 	RPS: <ul style="list-style-type: none"> • Eligible with qualifying fuel/technology. 	RPS: <ul style="list-style-type: none"> • Not eligible.
Louisiana	▲			RPS: <ul style="list-style-type: none"> • Not eligible. 	RPS: <ul style="list-style-type: none"> • Eligible with qualifying fuel/technology. 	RPS: <ul style="list-style-type: none"> • Eligible. (defined as “waste heat recovery” (WHR)).
Maine	X	X		RPS: <ul style="list-style-type: none"> • Eligible as a Class II resource (Efficient Resources). • Must have been constructed prior to January 1, 1997, and have a minimum efficiency of 60%. • Must be a qualifying cogeneration facility under the Public Utility Regulatory Policies Act of 1978 	RPS: <ul style="list-style-type: none"> • Eligible as a Class I (new renewably-fueled) resource if the system began operation after September 1, 2005. EERS: <ul style="list-style-type: none"> • May qualify as custom/other technology, subject to approval. 	RPS: <ul style="list-style-type: none"> • Eligible. • Must be a qualifying cogeneration facility under the Public Utility Regulatory Policies Act of 1978 (PURPA). • Must meet the Class I and II start dates based on fuel use. EERS:

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				(PURPA). EERS: <ul style="list-style-type: none"> May qualify as custom/other technology, subject to approval. 		<ul style="list-style-type: none"> May qualify as custom/other technology, subject to approval.
Maryland	X	X		RPS: <ul style="list-style-type: none"> Not eligible. EERS: <ul style="list-style-type: none"> May qualify as custom/other technology, subject to approval. 	RPS: <ul style="list-style-type: none"> Eligible with qualifying fuel/technology. EERS: <ul style="list-style-type: none"> May qualify as custom/other technology, subject to approval. 	RPS: <ul style="list-style-type: none"> Not eligible. EERS: <ul style="list-style-type: none"> May qualify as custom/other technology, subject to approval.
Massachusetts	X	X	X	RPS: <ul style="list-style-type: none"> Not eligible. EERS: <ul style="list-style-type: none"> Eligible. CHP targets part of Green Communities Act. Must meet an efficiency threshold ≥ 60 percent. APS: <ul style="list-style-type: none"> Eligible using natural gas. Units must deliver their useful thermal energy to a load in Massachusetts. Must have a start date after January 1, 2008. Both electric and thermal 	RPS: <ul style="list-style-type: none"> Eligible with qualifying fuel/technology. EERS: <ul style="list-style-type: none"> Eligible. CHP targets part of Green Communities Act. APS: <ul style="list-style-type: none"> Eligible. Must have a start date after January 1, 2008. 	RPS: <ul style="list-style-type: none"> Not eligible. EERS: <ul style="list-style-type: none"> Eligible. CHP targets part of Green Communities Act. APS: <ul style="list-style-type: none"> Not explicitly included.

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				energy qualify. • Net CO ₂ emissions rate can't exceed 890 lbs/MWh.		
Michigan		X	X	APS/EERS(combined): • May be eligible with approval.	APS/EERS (combined): • Eligible with qualifying fuel/technology. • Must have a start date of October 6, 2008, or later.	APS/EERS (combined): • Eligible (defined as "Industrial cogeneration facility" – 'a facility that generates electricity using industrial thermal energy or industrial waste energy'). • Must have a start date of October 6, 2008, or later.
Minnesota	X	X		RPS: • Not eligible. EERS: • Not eligible.	RPS: • Eligible with qualifying fuel/technology. EERS: • Not eligible	RPS: • Not eligible. EERS: • Eligible ("Waste heat recovery converted into electricity").
Missouri	X	▲		RPS: • Not eligible. EERS: • May qualify as custom/other technology, subject to approval.	RPS: • Eligible with qualifying fuel/technology. EERS: • May qualify as custom/other technology, subject to approval.	RPS: • Not eligible. EERS: • May qualify as custom/other technology, subject to approval.
Montana	X			RPS: • Not eligible.	RPS: • Eligible with qualifying fuel/technology.	RPS: • Not eligible.

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Nebraska	▲			RPS: <ul style="list-style-type: none"> Not eligible. 	RPS: <ul style="list-style-type: none"> Eligible with qualifying fuel/technology. 	RPS: <ul style="list-style-type: none"> Not eligible.
Nevada	X	X		RPS: <ul style="list-style-type: none"> Not eligible. EERS: <ul style="list-style-type: none"> Eligible. Energy efficiency savings can meet up to a quarter of the RPS in any given year. Portfolio Energy Credits are used for compliance and energy efficiency gets a credit multiplier of 1.05 (i.e., # of credits = number of kWh saved x 1.05). 	RPS: <ul style="list-style-type: none"> Eligible with qualifying fuel/technology. EERS: <ul style="list-style-type: none"> Eligible. Energy efficiency savings can meet up to a quarter of the RPS in any given year. Portfolio Energy Credits are used for compliance and energy efficiency gets a credit multiplier of 1.05 (i.e., # of credits = number of kWh saved x 1.05). 	RPS: <ul style="list-style-type: none"> Eligible. Must have nameplate capacity of 15 MW or less and startup date on/after January 1, 2005. EERS: <ul style="list-style-type: none"> Eligible. Energy efficiency savings can meet up to a quarter of the RPS in any given year. Portfolio Energy Credits are used for compliance and energy efficiency gets a credit multiplier of 1.05 (i.e., # of credits = number of kWh saved x 1.05).
New Hampshire	X			RPS: <ul style="list-style-type: none"> Not eligible. 	RPS: <ul style="list-style-type: none"> Eligible with qualifying fuel/technology. “Useful thermal energy,” is credited, defined as renewable energy delivered from Class I sources that can be metered and for which fuel or electricity would otherwise be 	RPS: <ul style="list-style-type: none"> Not eligible.

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					<p>consumed.</p> <ul style="list-style-type: none"> Thermal energy that is not used to generate electric power earns equivalent RECs based on the end-use energy value of electricity – 3.412 MMBtus of useful thermal energy is equivalent to one megawatt-hour. Systems must have begun operation after January 1, 2006. 	
New Jersey	X			<p>RPS:</p> <ul style="list-style-type: none"> Not eligible. 	<p>RPS:</p> <ul style="list-style-type: none"> Eligible with qualifying fuel/technology. 	<p>RPS:</p> <ul style="list-style-type: none"> Not eligible.
New Mexico	X	X		<p>RPS:</p> <ul style="list-style-type: none"> Not eligible. <p>EERS:</p> <ul style="list-style-type: none"> May qualify as custom/other technology, subject to approval. 	<p>RPS:</p> <ul style="list-style-type: none"> Eligible with qualifying fuel/technology. <p>EERS:</p> <ul style="list-style-type: none"> May qualify as custom/other technology, subject to approval. 	<p>RPS:</p> <ul style="list-style-type: none"> Not eligible. <p>EERS:</p> <ul style="list-style-type: none"> May qualify as custom/other technology, subject to approval.
New York	X	X		<p>RPS:</p> <ul style="list-style-type: none"> Digester-gas-fired CHP and fuel cells using any fuel type are eligible under the Customer Sited Tier (CST). Must be greater than 50 	<p>RPS:</p> <ul style="list-style-type: none"> Eligible under CST and under the main tier with any qualifying fuel/technology. Must be greater than 50 kW. 	<p>RPS:</p> <ul style="list-style-type: none"> Not eligible. <p>EERS:</p> <ul style="list-style-type: none"> May qualify as custom/other technology, subject to approval.

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				kW. EERS: <ul style="list-style-type: none"> May qualify as custom/other technology, subject to approval. 	EERS: <ul style="list-style-type: none"> May qualify as custom/other technology, subject to approval. 	
North Carolina	X	X		RPS/EERS (combined standard): <ul style="list-style-type: none"> Eligible. Up to 25% of the requirement may be met through energy efficiency technologies, including CHP systems powered by non-renewable fuels. After 2018, up to 40% of the standard may be met through energy efficiency, including CHP. Thermal energy that is not used to generate electric power earns equivalent RECs based on the end-use energy value of electricity of 3,412 Btu per kWh. 1 REC = 1 MWh. 1 MWh of electricity avoided through efficiency measure = 1 REC. Must be installed on/after January 1, 2007. 	RPS/EERS (combined standard): <ul style="list-style-type: none"> Eligible with qualifying fuel/technology. Up to 25% of the requirement may be met through energy efficiency technologies, including CHP. After 2018, up to 40% of the standard may be met through energy efficiency, including CHP. Thermal energy that is not used to generate electric power earns equivalent RECs based on the end-use energy value of electricity of 3,412 Btu per kWh. 1 REC = 1 MWh. 1 MWh of electricity avoided through efficiency measure = 1 REC. Must be installed on/after January 1, 2007. 	RPS/EERS (combined standard): <ul style="list-style-type: none"> Eligible. Up to 25% of the requirement may be met through energy efficiency technologies, including CHP systems powered by non-renewable fuels. After 2018, up to 40% of the standard may be met through energy efficiency, including CHP. Must be installed on/after January 1, 2007.

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North Dakota	▲			RPS: <ul style="list-style-type: none"> Not eligible. 	RPS: <ul style="list-style-type: none"> Eligible with qualifying fuel/technology. 	RPS: <ul style="list-style-type: none"> Eligible (defined as “recycled energy”).
Ohio		X	X	EERS: <ul style="list-style-type: none"> Eligible. Must be installed or retrofitted on/after September 10, 2012. Must have efficiency of ≥ 60 percent. Must have ≥ 20 percent of system output in the form of useful thermal energy. APS/RPS: <ul style="list-style-type: none"> Eligible as an “advanced energy resource” but compliance with targets does not have to be demonstrated until 2025. Must have efficiency of at least 60%. At least 20% of system output must be in the form of useful thermal energy. 	EERS: <ul style="list-style-type: none"> Eligible. Must be installed or retrofitted on/after September 10, 2012. APS/RPS: <ul style="list-style-type: none"> Eligible with qualifying fuel/technology. Systems must have been placed into service on or after January 1, 1998. 	EERS: <ul style="list-style-type: none"> Eligible (defined as “waste energy recovery”) - can only qualify under one standard). Must be installed or retrofitted on/after September 10, 2012. APS/RPS: <ul style="list-style-type: none"> Eligible (defined as “waste energy recovery”) - can only qualify under one standard). Must be installed or retrofitted on/after September 10, 2012.
Oklahoma	▲	▲		RPS/EERS (combined): <ul style="list-style-type: none"> Not eligible. 	RPS/EERS (combined): <ul style="list-style-type: none"> Eligible with qualifying fuel/technology. DG systems using renewable fuels are limited 	RPS/EERS (combined): <ul style="list-style-type: none"> Eligible. Up to 25% of the renewable energy goal can be met with demand side management

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					to \leq 5 MW.	(DSM) and energy efficiency. <ul style="list-style-type: none"> WHP qualifies as a DSM measure. DSM includes industrial by-product technologies consisting of the use of a by-product from an industrial process, including the reuse of energy from exhaust gases or other manufacturing by-products that are used in the direct production of electricity at the facility of a customer.
Oregon	X			RPS: <ul style="list-style-type: none"> Not eligible. 	RPS: <ul style="list-style-type: none"> Eligible with qualifying fuel/technology. 	RPS: <ul style="list-style-type: none"> Not eligible.
Pennsylvania		X	X	EERS: <ul style="list-style-type: none"> May qualify as custom/other technology, subject to approval. APS: <ul style="list-style-type: none"> Eligible. Tier II resources include new and existing demand-side management and DG systems, including CHP. 	EERS: <ul style="list-style-type: none"> May qualify as custom/other technology, subject to approval. APS: <ul style="list-style-type: none"> Eligible. CHP with eligible fuel/technology counts as Tier I resource. 	EERS: <ul style="list-style-type: none"> May qualify as custom/other technology, subject to approval. APS: <ul style="list-style-type: none"> Eligible. Tier II resources include new and existing demand-side management and DG systems, including waste heat to power.
Rhode Island	X	X		RPS: <ul style="list-style-type: none"> Not eligible. EERS:	RPS: <ul style="list-style-type: none"> Eligible with qualifying fuel/technology. 	RPS: <ul style="list-style-type: none"> Not eligible. EERS:

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				<ul style="list-style-type: none"> Eligible. Utilities must establish energy efficiency procurement plans which include target percentages for CHP. 	EERS: <ul style="list-style-type: none"> Eligible. Utilities must establish energy efficiency procurement plans which include target percentages for CHP. 	<ul style="list-style-type: none"> Eligible. Utilities must establish energy efficiency procurement plans which include target percentages for CHP.
South Dakota	▲			RPS: <ul style="list-style-type: none"> Not eligible. 	RPS: <ul style="list-style-type: none"> Eligible with qualifying fuel/technology. 	RPS: <ul style="list-style-type: none"> Eligible (defined as “recycled energy”).
Texas	X	X		RPS: <ul style="list-style-type: none"> Not eligible. EERS: <ul style="list-style-type: none"> May qualify as custom/other technology, subject to approval. 	RPS: <ul style="list-style-type: none"> Eligible with qualifying fuel/technology. EERS: <ul style="list-style-type: none"> May qualify as custom/other technology, subject to approval. 	RPS: <ul style="list-style-type: none"> Not eligible. EERS: <ul style="list-style-type: none"> May qualify as custom/other technology, subject to approval.
Utah	▲			RPS: <ul style="list-style-type: none"> Not eligible. 	RPS: <ul style="list-style-type: none"> Eligible with qualifying fuel/technology. 	RPS: <ul style="list-style-type: none"> Eligible (defined as “waste gas or waste heat capture or recovery system”).
Vermont	▲	X		RPS: <ul style="list-style-type: none"> Eligible Must have design efficiency of >65%. Systems must have come into service after December 31, 2004. EERS:	RPS <ul style="list-style-type: none"> Eligible with qualifying fuel/technology. Systems must have come into service after December 31, 2004. EERS: <ul style="list-style-type: none"> May qualify as custom/other 	RPS: <ul style="list-style-type: none"> Not explicitly included. EERS: <ul style="list-style-type: none"> May qualify as custom/other technology, subject to approval.

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	RPS	EERS	APS	Typical CHP	Renewably-Fueled	Waste Heat to Power
				<ul style="list-style-type: none"> May qualify as custom/other technology, subject to approval. 	technology, subject to approval.	
Virginia	▲	▲		RPS: <ul style="list-style-type: none"> Not eligible. EERS: <ul style="list-style-type: none"> Not eligible. 	RPS: <ul style="list-style-type: none"> Eligible with qualifying fuel/technology. EERS: <ul style="list-style-type: none"> Not eligible. 	RPS: <ul style="list-style-type: none"> Not eligible. EERS: <ul style="list-style-type: none"> Not eligible.
Washington	X	X		RPS/EERS (combined): <ul style="list-style-type: none"> Eligible as a “conservation measure” under energy efficiency targets. Thermal output must be at least 33% of total energy output, and system must be in place on/after March 31, 1999. 	RPS/EERS (combined): <ul style="list-style-type: none"> Eligible with qualifying fuel/technology. DG with output of 5 MW or less may be counted as double the facility's electrical output under certain conditions. 	RPS/EERS (combined): <ul style="list-style-type: none"> Eligible as a “conservation measure” under energy efficiency targets.
West Virginia	X	X	X	APS/RPS/EERS (combined): <ul style="list-style-type: none"> Eligible. Some fossil fuels, including waste coal and natural gas are eligible as “alternative energy resources.” Alternative Energy Resource credits: 1 credit=1 MWh. 	APS/RPS/EERS (combined): <ul style="list-style-type: none"> Eligible with qualifying fuel/technology. Renewable Energy Resource credit: 2 credits=1 MWh. 	APS/RPS/EERS (combined): <ul style="list-style-type: none"> Eligible (defined as “recycled energy” and included as an eligible “renewable energy resource”). Renewable Energy Resource credit: 2 credits=1 MWh.
Wisconsin	X	X		RPS: <ul style="list-style-type: none"> Not eligible. EERS:	RPS: <ul style="list-style-type: none"> Eligible with qualifying fuel/technology. 	RPS: <ul style="list-style-type: none"> Not eligible. EERS:

Table 1: Summary of CHP Eligibility

Key:

X – Mandatory Standard

▲ – Voluntary Standard or Goal

State	Portfolio Standard			CHP Eligibility		
	RPS	EERS	APS	Typical CHP	Renewably-Fueled	Waste Heat to Power
				<ul style="list-style-type: none"> May qualify as custom/other technology, subject to approval. 	EERS: <ul style="list-style-type: none"> May qualify as custom/other technology, subject to approval. 	<ul style="list-style-type: none"> May qualify as custom/other technology, subject to approval.